

CRM-M-5289-2023

2023:PHHC:086272

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(210)

CRM-M-5289-2023

Date of Decision : July 11, 2023

Kulvinder and another

.. Petitioners

Versus

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: None for the petitioners.

Mr. Surender Singh, AAG, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. The petitioners are seeking anticipatory bail in FIR No. 868 dated 15.11.2022 registered under Sections 294, 506 of the IPC, 1860 (Sections 420 and 476 IPC added later on) at Police Station City Hansi, District Hansi.

2. The Coordinate Bench of this Court passed the following order on 02.02.2023 :-

“Prayer in the present petition is for grant of anticipatory bail to the petitioners in FIR No.868, dated 15.11.2022, under Sections 294, 506 of the IPC (Sections 420 and 476 IPC added later on), registered at Police Station City Hansi, District Hansi.

Learned counsel for the petitioners contends that mere plain reading of the FIR does not constitute any offence, which is actually a counter-blast to the FIR lodged by the present

petitioners a day prior to the lodging of the instant FIR i.e., FIR No.859, dated 14.11.2022, under Sections 323, 506 and 34 of the IPC, on account of being given beatings by the complainants to the present FIR.

Notice of motion.

On the asking of Court, Mr. Gagandeep Singh Chhina, AAG, Haryana accepts notice on behalf of the respondent-State, who is not in a position to controvert the fact that FIR No.859, dated 14.11.2022, under Sections 323, 506 and 34 of the IPC, is prior in time to the instant FIR, wherein actually no incident has taken place as is evident from the bare perusal of FIR dated 15.11.2022 (Annexure P-1), except bald and vague allegations therein against the present petitioners.

In the instant petition, learned counsel for the petitioners has brought to the notice of this Court that other two co-accused persons namely Savitri and Jyoti have been granted the concession of anticipatory bail by the Court of learned Sessions Judge, Hisar, vide order dated 07.01.2023 and the complainants in the instant FIR are also on bail in FIR No. 859, dated 14.11.2022, under Sections 323, 506 and 34 of the IPC.

Looking into the totality of facts and circumstances and the fact that it is a case of counter-blast and the co-accused namely Savitri and Jyoti have been granted the concession of anticipatory bail by the Court of learned Sessions Judge, Hisar, vide order dated 07.01.2023, therefore, the petitioners are directed to be released on interim bail subject to the satisfaction of Arresting Officer/Investigating Officer, on their joining investigation as and when called for and cooperate in investigation and also shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 03.07.2023. ”

3. Learned State counsel, on instructions from ASI Anil, states that in terms of the order dated 02.02.2023 of the Coordinate Bench of this

Court reproduced hereinbefore, the petitioners have joined the investigation and no further interrogation of the petitioners is required at this stage.

4. In view of the above, the order dated 02.02.2023 granting interim bail to the petitioners is made absolute.

5. However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join and cooperate in investigation as and when called upon to do so.

6. In case at any given point of time hereinafter, it is felt by the investigating agency that petitioners are required for the investigation but are not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

7. The present petition stands allowed.

July 11, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No